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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,633	06/28/2001	Randal F. Templeton	219.40067X00 (ATSK)	4474

7590 07/15/2004
Kenyon & Kenyon
1500 K Street, N.W.
Suite 700
Washington, DC 20005-1257

EXAMINER

SAIN, GAUTAM

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,633

Applicant(s)

TEMPLETON ET AL.

Examiner

Gautam Sain

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1-1) Claims 13, 14, 15, 16, 17, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al (US 6605120, filed Dec 1998).

Regarding claims 13, 16, Fields teaches "receiving ... element" (ie., request by client ... XML tag ... data)(col 17, lines 27-40).

Fields teaches "parsing ... web page" (ie., parsed for desired components of the page)(col 5, lines 15-20)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10).

Fields teaches "creating ... element" (ie., web page retrieved ... XML tag is identified)(col 17, lines 45-64).

Fields teaches "concatenating ... data element" (ie., ... extracted and are used to assemble the recasted page)(col 17, lines 45-64).

Fields teaches "displaying ... browser" (ie., recast web page to requesting client .. browser)(col 17, lines 45-64).

Regarding claims 14, 17, Fields teaches "incoming XML data ... existing web page" (ie., web retrieved ... recast page)(col 17, lines 44-55).

Regarding claims 15, 18, Fields teaches "modified XML ... displayed" (ie., XML ... recast web page ... to request client)(col 17, lines 44-60).

Claim Rejections - 35 USC § 103

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2-1) Claims 1, 2, 3, 5, 6, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (US 2002/0133516, filed Dec 22, 2000).

Regarding claim 1, Fields does not expressly teach, but Davis teaches "an XML repository" (ie., XML repository)(para 251).

Fields teaches "... connected to ... templates ... incorporates ... form the web page" (ie., the filter ... hosting website ... client website ... client browser request ... sends the recast content as a web page)(col 3, lines 22-35; col 4, line 55 – col 5, line 12)(ie., publisher 101 at hosting site 103 ... document template ... component on a web page extracted ... recast into a new web page by the HTML template)(col 4, line 55 – col 5, line 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository as taught by Davis, providing

the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

Regarding claim 2, Fields teaches “web browser ... web page” (ie., client browser showing the page requested, the recasted web page as sent from the hosting site)(col 6, lines 40-49).

Regarding claim 3, Fields does not teach, but Davis teaches “XML repository ... web pages, ... templates ... handlers” (ie., XML repository ... XML documents)(para 251)(ie., set of document templates)(para 287)(ie., DTDs)(para 286-287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

Regarding claim 5, Fields teaches “console engine ... in the message” (ie., parsed for desired components of the page)(col 5, lines 15-20).

Fields teaches “the source web page ... message” (ie., parses the HTML source)(col 5, lines 15 – 17)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10).

Regarding claim 6, Fields teaches “console engine ... modified XML ... web browser” (ie., recasting web content presented on client browser)(col 12, lines 32 – 37).

Regarding claim 7, 10, Fields teaches "receiving ... browser" (ie., request from browser)(col 4, line 65).

Fields does not teach, but Davis teaches "accessing ... application handlers ... template," and "executing ... web page" (ie., XML repository ... XML documents)(para 251)(ie., set of document templates)(para 287)(ie., DTDs)(para 286-287).

Fields teaches "combining ... web page" (ie., pieces of content recast into a new web page with template)(col 5, lines 15-25).

Fields teaches "transmitting the web ... display" (ie., publisher recasts the web page to the browser)(col 5, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates/DTDs as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

2-2) Claims 4, 8, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (as cited above), further in view of Burich (US 20020069175, filed Dec 4, 2000).

Regarding claim 4, Fields in view of Davis does not expressly teach, but Burich teaches "console API" (para 30).

Fields teaches "... transmit the web page to a browser" (ie., publisher recasts the web page to the browser)(col 5, lines 12-33).

Fields does not expressly teach, but Davis teaches "an XML repository" (ie., XML repository ... XML documents)(para 251).

Fields teaches "console engine extracts ... part into the template (ie., document templates ... recast into a new web page with HTML template requests of a web page refreshed with different advertising with web page generated from the template)(col 4, line 55 – col 5, line 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56), further to include an API as taught by Birch, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claim 8, 11, Fields in view of Davis does not expressly teach, but Burich teaches " web page ... API" (ie., API ; XML based documents extracted from central storage)(para 30, 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields in view of Davis to include an API and XML based documents extracted from central storage as taught by Burich, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claim 9, 12, Fields teaches "converting the template ... by the browser" (ie., HTML template ... pieces recast into new web page ... presented at client browser)(col 5, lines 12 – 34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6. S.
GS


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER